

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEVEN L. SMITH,

Plaintiff,

v.

HALEY CURRIE, et al.,

Defendants.

Civil Action No. 22-cv-11321-AK

ORDER

A. KELLEY, D.J.

Self-represented plaintiff Steven L. Smith, a pretrial detainee, filed a complaint against a clerk of this Court, two state trial court clerks, and a correction officer. [ECF No. 1]. According to Smith, all the defendants are preventing him from pursuing civil claims related to the criminal proceeding against him. At the time he commenced this action, Smith was confined at the Suffolk County Jail.

Smith commenced this action without paying the \$402 filing fee or seeking leave to proceed without prepayment of the filing fee. On August 17, 2022, the Court ordered him to pay the fee or file an *in forma pauperis* motion within 21 days. [ECF No. 5]. The Court warned Smith that failure to comply with the order within twenty-one days could result in dismissal of the lawsuit without prejudice.

On August 29, 2022, the copy of the order the Clerk mailed to Smith was returned as undeliverable because it had been mailed to the Suffolk County's Sheriff Office instead of the Suffolk County Jail. [ECF No. 6]. On August 31, 2022, the Clerk mailed another copy of the

filing fee order to Smith at the Suffolk County Jail. Because the first copy of the order sent to Smith was misaddressed, the Court considers August 31, 2022 to be the first day of the time period to comply with the filing fee order.

The time for complying the Court's filing fee order has passed without any response from Smith regarding this matter. On September 9, 2022, the plaintiff did respond to a September 2, 2022 order in this action mailed to him at the Suffolk County Jail, but the new filing did not raise the issue of the filing fee.

Accordingly, the Court orders that this action be DISMISSED without prejudice for failure to comply with the Court's order to pay the fee or file an appropriate motion for leave to proceed *in forma pauperis*.

The Clerk shall mail a copy of this order to Smith at the Suffolk County Jail and at the Barnstable County House of Correction. According to a case that Smith commenced on September 26, 2022, he was transferred to the Barnstable County facility on September 9, 2022. *See Smith v. ADS Carlos*, C.A. No. 22-11626-RGS (D. Mass.)

IT IS SO ORDERED.

October 6, 2022

/s/ Angel Kelley
ANGEL KELLEY
U.S. DISTRICT JUDGE